

REGULAR MEETING

JUNE 18, 1998

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, June 18, 1998, at the hour of 7:00 PM. Those present were Commissioners: Norman "Dutch" Berry, Kevin Gunderson, Paul Reeves, Michael Stewart and Mayor A. R. Dunnigan, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Kevin P. Sinnette, Assistant Corporation Counsel; Deborah D. Musser, City Clerk; Gary Watts, Fire Chief; Ronald W. McBride, Chief of Police; Tony Grubb, Finance Director; Amanda Sinnette, Economic Development Director; Mike Rogers, Mass Transit Superintendent; Marion Russell, Assistant Director of Public Services; Michelle Veach, Assistant Finance Director; Larry Brown and Nancy Dickinson, Political Candidates and Reporters.

The Invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of June 18, 1998. Motion was made by Stewart, seconded by Reeves, to receive and file the agenda. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report -

- (11) Ashland Area Convention and Visitors Bureau 1998 - 1999 Budget - Motion was made by Stewart, seconded by Gunderson, to approve the budget as submitted. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.
- (12) Mayor's Comments - The Economic Development Corporation has requested Economic Development Director Sinnette to be available at its office the one day per week previously approved by the Commission. Motion was made by Stewart, seconded by Reeves, authorizing the request. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

Mayor Dunnigan informed Chief McBride that Fair & Regatta personnel had requested an officer be available at the barricade in Central Park to keep vehicles off the grass. The Mayor will have someone with the organization contact the Chief.

- (13) City Manager's Report - Commissioner Stewart requested an update on the tree limb which fell in Central Park damaging the new playground equipment. The claim has been filed with the insurance company under the property insurance which has a \$1,000 deductible.

There was some discussion about identification of trees in the Park which

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PUBLIC PARTICIPATION REQUEST CONTINUED

June 9, 1998

William H. Fisher, Jr., City Manager
Office of City Manager
Post Office Box 1839
Ashland, Kentucky 41105-1839

Dear Mr. Fisher:

In honor of and in recognition of his many contributions to America, we, the members of the Boyd County NAACP, propose renaming 12th Street from the Ben Williamson Memorial Bridge to its intersection with 13th Street "Martin Luther King, Jr. Boulevard". We believe it is befitting to so honor Dr. King because the moral power of his vision for America has made him our most beloved American statesman of the Twentieth Century.

Martin Luther King, Jr., civil rights leader, was born January 15, 1929. As Reverend Dr. Martin Luther King, Jr. he gained prominence during the Montgomery, Alabama bus boycott of 1955.

He soon became the acknowledged national leader of the growing movement to obtain civil rights for African Americans. His commitment to nonviolence, his courage, and the moral power of his vision, eloquently expressed in masterful oratory and writings, won him the Nobel Peace Prize in 1964. Toward the end of his short life Dr. King became a spokesman not only for Black Americans but all Americans. He discerned the interrelatedness of many forms of social and economic injustice and broadened the sphere of his activism. He spoke out against the U.S. involvement in the War in Vietnam and was preparing to lead a massive Poor People's March on Washington when he was assassinated on April 4, 1968.

Nationally, we honor this fallen hero with a federal holiday in January. Many communities in our country have also honored Dr. King by naming streets, avenues, plazas, or buildings after him. In our community 12th Street from the bridge to its intersection with 13th Street would be an ideal section to dedicate to this worthwhile civic undertaking.

One reason is that 12th Street is probably the most traveled street in Ashland. Ohio traffic enters Kentucky on this street. Kentuckians as well as Ashlanders could point with pride that the first sight of Kentucky for travelers from Ohio honors the memory of one of America's first sons.

Another reason that this section is ideal is that St. James AME Church, at 333 12th Street, the second oldest church in Ashland, has been for years the recognized community focal point for the annual Martin Luther King, Jr. Day Tribute. Therefore, it is fitting that the street on which this historic monument sits be renamed in his honor.

The City of Ashland has rightly established an ordinance outlining procedures, policies, and criteria for the naming and renaming of city owned streets, alleys, and rights-of-way (No. 116, 1992). This ordinance recognizes that such renaming affects private property owners as well as public service agencies. In this regard, the street now called 12th Street, from Ben Williamson Memorial Bridge to its intersection with 13th Street is ideal for renaming as the number and type of address changes would be minimal. There are only four businesses, five

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PUBLIC PARTICIPATION REQUEST CONTINUED

As this Twentieth Century that has been marked by divisiveness and strife in America draws to a close, we are confident that the citizens of Ashland as well as all Americans join us in the fervent hope that principles of equality and moral justice will mark the century ahead. As Dr. King's life was a symbol of hope, of his deep-seated belief in the humanity of mankind, so the renaming of 12th Street will be symbolic of our hope and vision that the next century will affirm the reality that *all* Americans share a common bond. And, that we as Americans hope to keep America great by working together for the common good.

Sincerely,

MOTION:

Motion was made by Gunderson, seconded by Reeves, to prepare an ordinance renaming 12th Street from Ben Williamson Memorial Bridge to its intersection with 13th Street "Martin Luther King, Jr. Boulevard" and signs to be posted effective January 18, 1999, Martin Luther King, Jr. Day. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 55, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A.R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE AN AGREEMENT **FINAL** WITH
BLUEGRASS FAMILY MEDICINE REGARDING
ADOPTION A PARKING ENCROACHMENT AT 2025
CARTER AVENUE ON THE CITY'S RIGHT-OF-WAY.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners hereby authorizes and directs A.R. Dunnigan, Mayor, to execute the attached agreement with Bluegrass Family Medicine regarding a parking encroachment at 2025 Carter Avenue which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

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ORDINANCE NO. 56, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, ADOPTING THE SIGN
REGULATIONS **AND** FOR THE CITY OF
ASHLAND, KENTUCKY, AND **FINAL** REPEALING
ARTICLE VII OF ORDINANCE NO. 101, **ADOPTION**
1986 COMMONLY KNOWN AND REFERRED TO
AS THE "ZONING ORDINANCE" AND REPEALING
ORDINANCE NO. 71, SERIES OF 1988, AS
PREVIOUSLY AMENDED BY ORDINANCE NO. 3,
SERIES OF 1995.

* * * *

WHEREAS, it has been determined that regulations regarding the display of signs should be removed from the zoning regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the City of Ashland, Kentucky, Board of City Commissioners hereby adopts the following sign regulations and repeals Article VII of Ordinance No. 101, 1986, Ordinance No. 71, 1988 and Ordinance No. 3, 1995:

SIGN REGULATIONS

Section 1. **PURPOSE**

Except for signs requiring a conditional use permit, the purpose of these regulations is to permit such signs that will not, by their reason of size, location, construction, or manner of display endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, and morals; and to engender a harmonious and aesthetically pleasing environment.

Section 2. **ADMINISTRATIVE REVIEW, WAIVER OF REQUIREMENTS**

The City of Ashland Board of Commissioners may hear and decide cases where it is alleged by an applicant for a sign permit that there is error in any determination made by the Code Enforcement Officer in the enforcement of this Ordinance; and the Board of Commissioners may waive or modify the technical requirements of this Ordinance as it determines to be in the best public interest.

Section 3. **GENERAL REQUIREMENTS**

- A. No sign of any type nor any part thereof shall be erected, painted, posted, placed or hung except in compliance with these regulations.
- B. Each application for a sign permit shall be made in writing upon forms

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- C. Sign plans shall be submitted to and approved by the Code Enforcement Officer prior to a permit being issued. A record of such applications, plans and the action taken thereon shall be kept in the office of the Code Enforcement Officer.
- D. Each applicant before being granted a sign permit shall pay to the City of Ashland a fee for each sign permit. The fee shall be set by the City Commission.
- E. In addition to the detailed regulations set forth in other provisions of these Regulations, all signs displayed within the City (including those listed in Section 4) shall comply with the following standards:
 - 1. Obstruction to Exits. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
 - 2. Obstruction to Ventilation or Light. No sign shall be erected which interferes with any opening required for ventilation and/or light to a structure.
 - 3. Clearance from Surface and Underground Utilities. Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, sign placement shall not interfere with natural or artificial drainage, or surface or underground water.
 - 4. Drainage. The roofs of canopies, awnings, or similar sign structures exceeding fifty (50) square feet shall be drained to prevent dripping or flowage onto sidewalks or streets; and shall be connected to an approved disposal source by adequate conductors.
 - 5. Obstruction to Corner Visibility. No sign or sign structure shall impair the visibility of intersecting streets and drives as defined by Section 7 of these regulations.
 - 6. Setbacks. Unless otherwise specifically regulated herein, signs shall be permitted in required yards, and not on or over the public rights-of-way.

Section 4. **SPECIAL SIGN REGULATIONS**

The following types of signs are regulated as per the provisions of this Section. In addition to the requirements of these provisions, such signs shall also comply with Sections 3E, 6, 7 and 8. Because these signs may be permitted in several or all of the City zoning districts, because they are temporary in nature, and/or because they provide public

the name, date of erection, and/or address of a structure.

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- E. Private traffic signs. Directing traffic/parking on private property, limited to three (3) signs no larger than four (4) square feet in area per zoning lot.
- F. Sign repair and maintenance. For conforming signs, includes the replacement of copy.
- G. Auto service stations. One (1) price of gasoline sign per public street frontage not exceeding eight (8) square feet in area, affixed to an existing sign structure, a canopy support, or flat-mounted on the building; up to six (6) square feet of signage per service/pump island indicating services offered, and other relevant information.
- H. Real estate sale/rental, political campaign signs. No larger than eight (8) square feet in residential zones, and one (1) square foot per each five (5) linear front feet in non-residential zones (with a maximum of sixty-four (64) square feet).
- I. Construction signs. One (1) per zoning lot during construction/reconstruction period, unilluminated, removed within two weeks of job completion; no larger than eight (8) square feet in residential zones; and one (1) square foot per each five (5) linear front feet in non-residential zones (with a maximum of sixty-four (64) square feet).
- J. Public and semi-public. One (1) sign per street frontage for public, civic or religious institutions or events, not to exceed thirty-two (32) square feet in area; up to three (3) off premises directional signs, unilluminated, per institution or event, with a maximum sign area of six (6) square feet.
- K. Historical plaques. One (1) per zoning lot, when erected by recognized historical agencies.
- L. Temporary interior signs. Signs painted or displayed on interior windows and interior spaces.
- M. Open house signs. Up to three (3) directional signs may be displayed off premises on the days of any advertised open house for sale, each sign shall not exceed four (4) square feet in area.
- N. Political campaign signs. Displayed in accordance with Section 3 and Section 7, which shall be removed within one week following the advertised election.
- O. Balloon Signs. Such signs shall be permitted upon completion of a sign permit application. Such signs shall not be greater than six

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A. Residential Districts.

1. Permanent, identification signs for subdivision, mobile home parks, and travel trailer campgrounds not exceeding fifteen (15) square feet in area are permitted. One (1) sign may be erected at each major entrance to the subdivision, mobile home park or travel campground; and shall be no closer than ten (10) feet in height above ground level, and shall be parallel to the street frontage.
2. One (1) permanent, identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed fifteen (15) square feet in area and may be flat-mounted against the wall of an apartment building or freestanding. if freestanding, such signs shall be set back a of ten (10) feet from property line and shall not exceed six (6) feet in height above ground level, and be parallel to the street frontage.
3. Signs for home occupations shall be limited to one (1) sign not exceeding four (4) square feet in area. Such signs shall be unlighted and mounted flat against the wall of the principal building.
4. One (1) permanent, freestanding sign for non-residential uses permitted as a matter of right, conditionally, or as nonconformities (other than home occupations), may be erected on the premises, provided such signs do not exceed twenty (20) square feet in area. No freestanding sign shall be located closer than ten (10) feet to any property line nor exceed six (6) feet in height above ground level. Such signs shall be parallel to the street frontage.
5. Non-residential uses permitted as-of-right, conditionally, or as nonconformities (other than home occupations) may have a flat-mounted wall sign. No single sign shall exceed twenty (20) square feet in area.

B. Neighborhood Business, Public Hospital Districts

With the B-1 Neighborhood and P-H Public Hospital Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) freestanding sign shall be permitted for each zoning lot. The area of the sign shall not exceed one (1) square foot for each one (1) foot of lot width, provided no such sign shall

of-way.

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C. General Business

Within the B-2 General Business District as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding sign is permitted for each zoning lot. The area of the sign shall not exceed two (2) square feet for each one (1) linear foot of street frontage, or a total of one hundred (100) square feet in area, whichever is less. Any such freestanding sign shall not exceed thirty (30) feet in height.
2. Unified shopping centers and other zoning lots with more than three hundred (300) feet of street frontage may have one (1) additional freestanding sign for each additional three hundred (300) feet of street frontage or portion thereof. The ratio stated in Section 5 C.1. shall apply to such additional signage, as if the additional frontage was a separate lot.
3. Permanent flat-mounted signs are permitted for each separate business establishment, provided the total allowable sign areas for all such signs shall not exceed two (2) square feet for each linear foot of building wall facing a public street or common drive (such as a unified shopping center).
4. One (1) sign projecting from a building facade per street frontage is permitted for each business establishment--in the absence of flat-mounted wall signs. Such sign shall not project more than ten (10) feet from the building facade, and shall not exceed thirty-two (32) square feet in area. Projecting signs, shall not extend above the top of the building parapet or roof ridge; shall maintain a clear distance of at least ten (10) feet above the sidewalk; and shall be totally on/over private property.
5. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least ten (10) feet between the sidewalk and the bottom of the sign, not over the public right-of-way.
6. One (1) outdoor advertising sign structure is permitted on each zoning lot. Such structure shall meet all building setback and yard requirements of the zoning district, or at least ten (10) feet back from all property lines; and in addition, shall be no closer than seventy-five (75) feet to a residential zone. Three

Zoning Map, only the following types of signs shall be permitted.

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1. One (1) permanent, freestanding sign is permitted for each zoning lot. The area of the sign shall not exceed one (1) square foot for each linear foot of street frontage, or a total of sixty (60) square feet, whichever is less. Any such freestanding sign shall not exceed twenty (20) feet in height.
2. Permanent flat-mounted wall signs are permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one (1) square foot for each linear foot of building wall facing a public street.
3. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least ten (10) feet between the sidewalk and the bottom of the sign, not over the public right-of-way.

E. Industrial Districts

Within the I-1 and I-2 industrial districts as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding sign is permitted for each zoning lot. The area of the sign shall not exceed two (2) square feet for each linear foot of lot width, or a total of one hundred (100) square feet, whichever is less. Any such freestanding sign shall not exceed thirty (30) feet in height.
2. One (1) industrial park identification sign is permitted on each park frontage, not to exceed two hundred (200) square feet in area or thirty (30) feet in height.
3. Permanent flat-mounted wall signs are permitted for each separate business, provided the total allowable sign area for all such signs shall not exceed two (2) square feet for each linear foot of building wall facing a public street or common drive (such as in a unified industrial park).
4. One (1) sign projecting from a building facade per street frontage is permitted for each business

and the bottom of the sign, not over public right-of-way.

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6. One (1) outdoor advertising sign structure is permitted on each zoning lot. Such structure shall meet all building setback and yard requirements of the zoning district, or at least ten (10) feet back from all property lines; and in addition, shall be no closer than seventy-five (75) feet to a residential zone. Three hundred (300) feet shall separate one (1) structure from another (on the same side of a street or around a corner). on a zoning lot with more than three hundred (300) feet of street frontage, one (1) outdoor advertising structure is permitted for each additional three hundred (300) feet of street frontage (or portion thereof). outdoor advertising signs shall not exceed three hundred (300) square feet in area per facing, with no more than two (2) facings per side, or forty (40) feet in height. All outdoor advertising sign structures must meet state guidelines when facing state and/or federal roadways.

Section 6. ILLUMINATION

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this section shall be construed to meet the requirements of the National, State and local Electric Codes.
- B. Signs which contain, include or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature and date. Theater marquees are likewise exempt.
- C. Self-illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
- D. Flood and display lighting shall be shielded so as to prevent direct rays of light and glare from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent direct view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

Section 7. PROHIBITED SIGNS

D. Roof signs, with the exception of balloon signs.

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E. Mobile signs.

F. By Nuisance or Hazardous Characteristics.

1. Signs which conflict with traffic control signs. Signs or sign structures which by color, wording or location, resemble or conflict with traffic control signs or devices.
2. Signs which create safety hazards. Signs which obstruct vehicular views of pedestrians or other vehicles or pedestrian views of vehicles, so as to affect the safety of the public.
3. Rotating, moving, scintillating, blinking or flashing illumination signs, except for randomly blinking Tivoli lights, or those permitted by conditional use.
4. Electronic reader boards, of more than four (4) square feet of area.

G. Signs attached to trees, utility poles, and/or traffic signals.

H. Signs advertising off-premises uses or services, with the exception of balloon signs located at a community event.

Section 8. **NONCONFORMING SIGNS**

All nonconforming signs shall comply with the following:

- A. No nonconforming sign shall have any changes made in the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- B. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated, unless such move shall create a conforming situation.
- C. No nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued.

Section 9. **INSURANCE**

When the City Commission grants a waiver from these regulations for an applicant to place a sign within the public right-of-way, the owner of the premises, and the person in possession thereof, shall obtain and maintain the liability insurance holding the City of Ashland, Kentucky harmless for any liability arising from a sign placed on or above public property. A certificate of such insurance shall be provided to the City by the applicant upon

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Section 11. DEFINITIONS

Sign. Any structure or device, or part thereof, painted on, or represented on a building or other structure, upon which is displayed or included any letter, figure, design, symbol, trademark, decoration, devices, or representations used as, or which is in the nature of, any announcement, direction, advertisement, or any other attention directing device.

Sign, canopy, marquee, or awning. A sign other than a projecting sign designated on, or suspended under, a canopy, marquee, or awning and identifying the name or address of a building or an establishment contained therein.

Sign, freestanding. A sign erected which is wholly independent of any building for support. All such signs shall be permanently affixed to or constructed upon the lot where they are located.

Sign, height. The height of a sign structure as measured from the street grade which a zoning lot fronts upon or from the ground level where a sign support is located (whichever is the greater) to the uppermost portion of the sign structure, including any embellishment thereto.

Sign, indirectly illuminated. A sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

Sign, number and surface area. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Architectural trim and structure members not bearing advertising matter shall not be included in computation of surface area.

Freestanding, suspended, and projecting signs shall be computed on the basis of one surface only, provided the opposite surface identical in size and shape, not necessarily in copy or advertisement less than 90 degrees V-shaped or back-to-back).

The allowable sign area computed by applying the square feet/linear feet multiplier shall cover all regulated signs on the building or structure.

Sign, projecting A sign other than a wall sign which is attached to and projects more than twelve (12) inches from a building face or wall.

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Sign, wall, flat-mounted. Any sign attached to, or erected against the wall, parapet of a building or structure, or which is an integral part of the building or structure. No such sign shall project more than, one foot from the building, and not above any portion of the roof line. The maximum one foot projection may be within a public right-of-way.

Section 12. REPEAL

All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

That Article No. VII of Ordinance No. 101, 1986, is hereby repealed. That Ordinance No. 71, 1988 and Ordinance No. 3, 1995 are hereby repealed.

Section 13. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 4, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998
PUBLISHED:

MOTION:

Motion was made by Reeves, seconded by Berry, to adopt Ordinance No. 56, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 57, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE A CONTRACT **FINAL** WITH
STEPHENS CONTRACTING, INC. D/B/A **ADOPTION**
STEPHENS HAULING FOR THE REMOVAL AND
DISPOSAL OF SLUDGE FOR A PERIOD OF THREE
YEARS FOR THE CITY OF ASHLAND, DEPARTMENT
OF PUBLIC SERVICES, DIVISION OF WASTEWATER
TREATMENT AT THE PRICES SPECIFIED IN THEIR
BID AND REPEALING ORDINANCE NO. 52, SERIES OF

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

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/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 4, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998
PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Berry, to adopt Ordinance No. 57, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 58, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND, **READING** KENTUCKY, FIXING THE REGULATORY LICENSE FEE **AND** AT 3.5% OF THE GROSS RECEIPTS FROM THE SALE **FINAL** OF ALCOHOLIC BEVERAGES WITHIN SAID CITY **ADOPTION** DURING THE FISCAL YEAR JULY 1, 1998 THROUGH JUNE 30, 1999, AS AUTHORIZED AND IMPOSED BY SECTION 25 OF ORDINANCE NO. 1, SERIES OF 1998, KNOWN AND CITED AS THE ALCOHOLIC BEVERAGE CONTROL ORDINANCE FOR THE CITY OF ASHLAND, SUCH PROCEEDS TO BE USED TO REIMBURSE THE CITY FOR EXPENSES RELATED TO THE SALE OF ALCOHOLIC BEVERAGES THEREIN.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That there is hereby fixed and levied during the fiscal year beginning July 1, 1998 and extending through June 30, 1999, the regulatory license fee at three and one-half percent (3.5%) of the gross receipts from the sale of alcoholic beverages to fully reimburse the City of Ashland for the costs of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages, to be paid as provided in Section 25 of Ordinance No. 1, series of 1998, being an ordinance fixing the regulations for control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the limited sale precincts within the City of Ashland.

PUBLISHED:

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ORDINANCE NO. 58, 1998

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 58, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 19, 1998

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **JUNE 18, 1998.**

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **June 18, 1998.** Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998

MOTION:

Motion was made by Reeves, seconded by Gunderson, to adopt Resolution No. 19, 1998.

MOTION:

REGULAR MEETING JUNE 18, 1998
ORDINANCE NO. 59, 1998

ORDINANCE NO. 59, 1998

EMERGENCY AN ORDINANCE OF THE CITY OF ASHLAND,
CLAUSE KENTUCKY, AUTHORIZING AND DIRECTING
FIRST A. R. DUNNIGAN, MAYOR, TO SUBMIT A **AND**
 RENAISSANCE KENTUCKY GRANT **SECOND**
 APPLICATION TO THE COMMONWEALTH OF **READING**
 KENTUCKY AND DECLARING AN EMERGENCY **AND**
 TO EXIST TO ALLOW TWO READINGS OF THIS
FINAL ORDINANCE ON THE SAME DAY.
ADOPTION

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute and submit on behalf of said City a Renaissance Kentucky Grant Application to the Commonwealth of Kentucky. A true copy of said grant application is attached hereto and made a part hereof by reference.

SECTION 2. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute any and all other documents relating to said grant.

SECTION 3. Due to the need to meet a deadline of July 1, 1998 and the Board of Commissioners is not scheduled to hold another regular meeting until July 2, 1998, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998
READOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998
PUBLISHED:

READOPTION:

Motion was made by Reeves, seconded by Berry, to adopt Ordinance No. 59, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JUNE 18, 1998

ORDINANCE NO. ____, 1998

ORDINANCE NO. ____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
A. R. **AND** DUNNIGAN, MAYOR, TO
EXECUTE AN AGREEMENT **ADOPTION** WITH
SUPERIOR CHRYSLER PLYMOUTH DODGE JEEP
ONLY EAGLE INC. REGARDING PLACEMENT OF A
FENCE AT 925 GREENUP AVENUE ON THE CITY'S
RIGHT-OF-WAY.

MOTION:

Motion was made by Reeves, seconded by Berry, to adopt Ordinance No. ____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. ____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
A. R. **AND** DUNNIGAN, MAYOR, TO
EXECUTE A CONTRACT **ADOPTION** WITH B & L
UTILITY CONTRACTORS, INC. FOR **ONLY**
MISCELLANEOUS CONCRETE AND ASPHALT
REPAIR WORK FOR THE CITY OF ASHLAND,
DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF
WATER DISTRIBUTION AND WASTEWATER
COLLECTION IN AN AMOUNT NOT TO EXCEED
THOSE PRICES SPECIFIED IN THEIR BID.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. ____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. ____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
A. R. **AND** DUNNIGAN, MAYOR, TO
EXECUTE A CONTRACT **ADOPTION** WITH J & C

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN,
AND MAYOR, AND TONY D. GRUBB,
FINANCE DIRECTOR, **ADOPTION** OF SAID CITY,
TO BORROW SUFFICIENT FUNDS FOR **ONLY** THE
CITY OF ASHLAND FOR OPERATIONAL EXPENSES
FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30,
1999.

REGULAR MEETING JUNE 18, 1998
ORDINANCE NO. _____, 1998 CONTINUED

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

PUBLIC HEARING

Mayor Dunnigan declared a public hearing open at 7:42 PM concerning the proposed increase to the maximum allowable ad valorem tax levy. At 7:45 PM there had been no comments and Mayor Dunnigan declared the hearing closed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, FIXING THE AD VALOREM TAX
LEVY **AND** FOR THE YEAR 1997, PAYABLE IN
THE YEAR 1998, ON **ADOPTION** REAL ESTATE,
PERSONAL PROPERTY, AND **ONLY** FRANCHISES
IN THE CITY OF ASHLAND FOR THE CITY REVENUE
PURPOSES, PROVIDING FOR A DISCOUNT OF ONE
PERCENT (1%) ON AD VALOREM TAXES ONLY
WHICH ARE PAID ON OR BEFORE AUGUST 15, 1998
AND PROVIDING FOR A PENALTY OF TEN PERCENT
(10%) AND SIX PERCENT (6%) INTEREST PER ANNUM
FOR ANY TAXES WHICH ARE PAID AFTER THE DUE
DATE.

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, FIXING THE TAX LEVY FOR THE
YEAR **AND** 1998, PAYABLE IN THE YEAR

REGULAR MEETING JUNE 18, 1998
RESOLUTION NO. 20, 1998

RESOLUTION NO. 20, 1998

A RESOLUTION AUTHORIZING THE ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTES, SERIES 1998; APPROVING A FORM OF NOTE; AUTHORIZING DESIGNATED OFFICERS TO EXECUTE AND DELIVER THE NOTES; AUTHORIZING AND DIRECTING THE FILING OF NOTICE WITH THE STATE LOCAL DEBT OFFICER; PROVIDING FOR THE PAYMENT AND SECURITY OF THE NOTES; APPOINTING A PAYING AGENT AND REGISTRAR; CREATING A SINKING FUND; MAKING CERTAIN FEDERAL INCOME TAX COVENANTS IN RESPECT OF THE NOTES; ACCEPTING THE PROPOSAL OF THE NOTE PURCHASER HEREINAFTER SET FORTH FOR THE PURCHASE OF THE NOTES; AND REPEALING INCONSISTENT RESOLUTIONS.

WHEREAS, the City of Ashland, Kentucky, duly organized pursuant to the laws of the Commonwealth of Kentucky and subsisting as a political subdivision of the Commonwealth of Kentucky (the "Governmental Agency") anticipates the receipt of both current taxes and current revenues during the fiscal year ending June 30, 1999; and

WHEREAS, the Governmental Agency desires to borrow for the purpose of meeting current expenses by issuing a note or notes, to be repaid from those taxes and revenues, all in accordance with §§ 65.7703 to 65.7721, inclusive, of the Kentucky Revised Statutes (the "Act"); and

WHEREAS, as required by the Act, the Mayor and Clerk of the Governing Body of the Governmental Agency (the "Designated Officers") have, not more than thirty (30) days before this date on which this Note Resolution is being adopted and furthermore hereby confirmed on this date, made an estimate, from taxes now levied and assessed and from other budgeted revenues, of the taxes and revenues to be received and the expenditures to be made during the period when such note or notes will be outstanding and have certified that estimate by a duly executed document, attached hereto as Exhibit B (the "Certificate as to Collections and Expenditures"); and

The Notes shall bear interest at the stated interest rate on the principal amount thereof, payable at maturity.

The Notes shall be subject to redemption prior to maturity, without premium or prepayment penalty, shall be in registered form (which may be registered to bearer), without coupons, shall be negotiable, shall be dated the date of delivery, and shall be payable as to principal and interest on June 30, 1999, upon presentation by the owner at the principal corporate trust office of The Fifth Third Bank as Paying Agent and Registrar, in such coin or currency of the United States of America as shall be legal tender for the payment of public and private debts at the time and place of payment.

REGULAR MEETING JUNE 18, 1998
RESOLUTION NO. 20, 1998 CONTINUED

The exact form of the Notes shall contain an unconditional promise to pay the principal of and interest on the Notes to the owner when due at the offices of the Paying Agent, shall pledge, in addition, the faith and credit of the Governmental Agency, and grant a security interest in, the current taxes and current revenues of the Governmental Agency to the payment of the Notes, shall recite the valid issuance of the Notes under the Act, shall prohibit personal recourse against officials of the Governmental Agency and shall certify proper achievement of all conditions precedent to the issuance of the Notes.

Section 3 -- Execution and Delivery. The Notes shall be executed by the Mayor and duly attested by the Clerk. To the extent that any one signature on a Note is manual (including the signature of an officer of the Paying Agent authenticating the Notes), the other signatures may be facsimile. The Designated Officers are further authorized and directed to deliver the Notes to the Purchaser, upon the terms and conditions hereinafter and in the Proposal provided, receive the proceeds therefor, execute and deliver such certificates and other closing documents and take such other action as may be necessary or appropriate in order to effectuate the proper issuance, sale and delivery of the Notes.

Section 4 -- Authentication. The Paying Agent shall authenticate the Notes by the execution of a Certificate of Authentication to be printed on the Notes.

Section 5 -- Filing. The Designated Officers are hereby authorized and directed to certify and deliver, together with the Notes, copies of this Note Resolution, the Proposal and the Certificate as to Collections and Expenditures (which includes a calculation of the cumulative cash flow deficit calculated in accordance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and United States Treasury Department Regulation §1.148-1 et. seq.), the contents of which are hereby approved.

Section 6 -- Security. As security for payment of the Notes, the Governmental Agency pledges and grants to the owners, from time to time, of the Notes, on an equal and ratable basis, a first lien and charge on, and security interest in, all of the current taxes and current revenues to be received during the period that the Notes will be outstanding and the faith and credit of the Governmental Agency as provided in the Act.

In the event of any default on the Notes or hereunder, the Governmental Agency agrees to pay the reasonable expenses of the Purchaser and the owners (including courts costs and attorney's fees) incurred in collecting the amounts due.

in the Sinking Fund, the Sinking Fund Depository and/or Paying Agent: (1) shall notify any agency of the Commonwealth of Kentucky or any political subdivision thereof which may collect and distribute taxes or revenues for the Governmental Agency to seek any available necessary or proper remedial action; and (2) may, and upon request of the owners of twenty-five percent in original principal amount of outstanding Notes and upon being indemnified against cost and expense shall, exercise any remedy, provided in the Act or at law or in equity, for the equal and ratable benefit of the owners of the outstanding Notes, and shall disburse all funds so collected equally and ratably to the owners thereof, pursuant to the Act.

REGULAR MEETING JUNE 18, 1998
RESOLUTION NO. 20, 1998 CONTINUED

Section 8 -- Sinking Fund; Investments. Any moneys in the Sinking Fund not required for prompt expenditure may, at the direction of the Designated Officer of the Governmental Agency, be invested in obligations which are permitted investments for the Governmental Agency. Any such investments or deposits shall mature or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to owners of the Notes.

Section 9 -- General Obligation. The Notes issued pursuant to this Note Resolution shall be general obligations of the Governmental Agency. The Governmental Agency hereby covenants with the owners from time to time of the Notes that if funds are not available for the full payment of the Notes within the fiscal year in which issued, then the Governmental Agency will include the amounts necessary to pay all the Notes in its budget for the next fiscal year, to the extent then permitted by applicable law.

Section 10 -- Tax Covenants and Determinations. (a) The Governmental Agency hereby covenants with the owners from time to time of the Notes that it will make no use of the proceeds of the Notes which, if such use had been reasonably expected on the date of issue of the Notes, would have caused the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations thereunder and that it will comply with the requirements of the Code and the Regulations throughout the term of the Notes.

(b) During the calendar year 1998, the Governmental Agency does not anticipate that the aggregate principal amount of the Notes, plus the aggregate principal amount of all other tax-exempt obligations issued and to be issued by the Governmental Agency, or by a subordinate governmental unit within its jurisdiction, will exceed \$5,000,000.

(c) The Governmental Agency hereby designates the Notes as Qualified Tax-Exempt Obligations pursuant to Section 265(b)(3) of the Code and represents and covenants that the total amount of its obligations so designated and to be designated during calendar year 1998 does not and will not exceed \$10,000,000.

Section 11 -- Award. The Notes are hereby awarded and sold at private sale by negotiation to The Fifth Third Bank, at par, in accordance with the Proposal, which, as presented at this meeting, is hereby accepted and directed to be executed by the Designated Officers.

Section 12 -- Costs. All notice, filing and legal fees properly incurred in

MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998

REGULAR MEETING JUNE 18, 1998
RESOLUTION NO. 20, 1998 CONTINUED

MOTION:

Motion was made by Stewart, seconded by Reeves, to adopt Resolution No. 20, 1998. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, READING

KENTUCKY, AUTHORIZING AND DIRECTING
A. R. DUNNIGAN, MAYOR, TO EXECUTE A
CONTRACT WITH GREEN VALLEY
ENVIRONMENTAL, CORP. FOR THE FURNISHING OF
A SUITABLE LANDFILL LOCATION FOR THE RECEIPT
AND DISPOSAL OF COMPACTED GARBAGE AND
REFUSE, RUBBLE AND RUBBISH, COLLECTED BY
THE CITY OF ASHLAND, KENTUCKY, FOR A PERIOD
OF ONE YEAR IN AN AMOUNT NOT TO EXCEED
THOSE PRICES SPECIFIED IN THEIR BID.

DISCUSSION:

Ernie Pitt, representing Cooksey Brothers, appeared before the Commission to discuss the negative impact to the area of the City doing business with Green Valley. Commissioner Berry requested the statement lowest and best overall bid be stated in the future bid documents.

MOTION:

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Reeves and Gunderson. Nay - Commissioners Berry, Stewart and Mayor Dunnigan. Motion failed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, READING
KENTUCKY, AUTHORIZING AND DIRECTING

Motion was made by Berry, seconded by Stewart, to adopt Ordinance No. _____, 1998 at this its first reading. Upon roll call, voting aye were Commissioners Berry, Stewart and Mayor Dunnigan. Nay - Commissioners Reeves and Gunderson. Motion passed.

APPOINTMENT

Motion was made by Stewart, seconded by Gunderson, approving the Mayor's appointment of Jo Etta Lynch to the Economic Development Task Force/Technical Advisors Committee for a four (4) year term beginning June 18, 1998. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JUNE 18, 1998 **EXECUTIVE SESSION**

EXECUTIVE SESSION

Motion was made by Stewart, seconded by Berry, to go into Executive Session at 8:07 PM to discuss individual personnel matters and pending litigation. Upon roll call, voting aye were Commissioners Berry, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RECONVENED:

The meeting reconvened at 8:20 PM and Mayor Dunnigan announced that the only items discussed were individual personnel matters and pending litigation with no final action taken.

ADJOURNMENT:

Mayor Dunnigan declared the meeting recessed at 8:20 PM until June 23, 1998 at 6:15 PM.

A. R. DUNNIGAN, MAYOR

ATTEST:

DEBORAH D. MUSSER
CITY CLERK